

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-cv-00668-MR**

ALBERT LEROY GREEN, JR.,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
BEN ANDERSON, Warden,)	
)	
Respondent.)	
_____)	

THIS MATTER comes before the Court on the *pro se* Petitioner’s “Request To Adjoin Appealability Prima Facie Facts State Lacks Jurisdiction” [Doc. 16], which the Court construes as a Motion for Reconsideration.

Albert Leroy Green, Jr. (the “Petitioner”) filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in this Court on October 18, 2023. [Doc. 1]. The Court entered an Order on January 10, 2024, dismissing the petition as procedurally barred for failure to exhaust his available state remedies. [Doc. 8]. In that Order, the Court also declined to grant the Petitioner a certificate of appealability pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases. [Id.].

By the present motion, the Petitioner again moves this Court to vacate his sentence and prior felony convictions. [Doc. 16]. In doing so, the

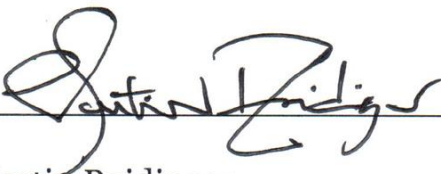
Petitioner largely reiterates the arguments set forth in his § 2254 petition but cites additional legal authorities. [Id.]. As such, the Court construes this request as a Motion for Reconsideration as to the Court's previous dismissal of the Petitioner's § 2254 petition [Doc. 8].

The Court has already set forth its reasoning for the dismissal of the Petition for Writ of Habeas Corpus: namely, failure to exhaust state remedies. [Id.]. The Petitioner sets forth no new evidence or arguments on this issue to convince the Court that it should reconsider its prior Order; he instead makes substantive legal arguments as to the invalidity of his underlying state conviction.

IT IS, THEREFORE, ORDERED that the Petitioner's "Request To Adjoin Appealability Prima Facie Facts State Lacks Jurisdiction" [Doc. 16] is **DENIED**.

IT IS SO ORDERED.

Signed: April 29, 2024



Martin Reidinger
Chief United States District Judge

